

### **REMARKS**

Applicants respectfully request reconsideration of the present Application. Claims 1, 13, 25, 29 and 31 have been amended herein. Claims 1-8, 10-11, 13, 15-19, 22, 25, 29 and 31 are pending and are in condition for allowance.

#### **Rejections based on 35 U.S.C. § 112**

Claims 1 and 25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, Line 6 has been amended to recite “the computer processor and the storage” referring to the same “computer processor and storage” in Claim 1, line 3. Likewise, Line 6 of Claim 25 has been amended to recite “the computer processor and the storage” in reference to “a computer processor and storage” recited in Claim 25, Line 3. Thus claims 1 and 25 now correctly point out and distinctly claim the subject matter which Applicant regards as the invention. As such applicant respectfully request withdrawal of the § 112 rejection of claims 1 and 25.

#### **Rejections based on 35 U.S.C. § 103(a)**

##### **A. Applicable Authority**

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the

claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. *See, Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Thus, in order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *See* MPEP § 2143. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

**B. Obviousness Rejection Based on the Aholainen reference in view of the Anderson reference.**

Claims 1-8, 10-11, 13-19, 22, 25, 29 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aholainen et al., U.S. Patent No. 7,102,640 (hereinafter the “Aholainen reference”) in view of Anderson et al., U.S. Publication No. 2007/0033265

(hereinafter the “Anderson reference”). As the Aholainen reference and the Anderson reference, either alone or in combination, fail to teach or suggest the limitations of the claims, as herein amended, Applicants respectfully traverse this rejection as hereinafter set forth.

The Aholainen reference is directed to a method that gives a user rapid notice of Bluetooth devices within communication range and selectively blocks any notice about Bluetooth devices that the user wishes to ignore. See, the *Aholainen reference*, Abstract.

The Anderson reference is directed to a remote access device for capturing, digitizing and communicating video signals from a host computer to a remote computer. The remote computer returns keyboard and mouse signals through the remote access device to the host computer to control the host computer as though the remote keyboard and mouse were directly connected to the host computer.

Independent claims 1, 13, 25, and 29 have been amended to disclose a dynamically updated list of all participating devices detected to be in proximity within a first participating device’s immediate environment, participating devices comprising each device that is able to communicate with another device. This amendment is supported in the specification at paragraphs [0021] and [0037]. The Aholainen reference does not teach the system utilizing the detected proximity of a device to generate a dynamically updated list of detected nearby devices within the first participating device’s immediate environment, wherein the list of detected nearby devices includes a record of all participating devices detected by the detection module to be close in physical space as claimed in independent claims 1, 13, 25, and 29. The Aholainen reference does not store a record in the detected icon buffer for all devices detected to be proximal which are able to communicate with another device. Instead, the Alohainen reference teaches only storing icon information of authorized devices. In fact, the Aholainen reference teaches away

from storing the icon of all detected devices as it states "... When a CoD value is received in an FHS packet, it is compared with the prohibited CoD values and if there is a match, no entry is made in the detected icon buffer, thereby ignoring the prohibited server devices." See, *Aholainen reference*, Col. 5 lines 21 to 30.

The Aholainen reference does not teach all the limitations of amended independent claim 1, 13, 25, and 29. As the Office Action stated, the Aholainen reference does not teach "displaying contents of a second device user interface" as recited by claims 1, 13, 25, and 29. The Office Action goes on to state that the Anderson reference succeeds in disclosing this limitation. However, independent claims 1, 13, 25, and 29 have been amended to clarify this limitation.

Independent claims 1, 13, 25, and 29 have been amended to claim the user-configurable authorizing module authorizing the first participating device to adjust the user interface of a first device in a predetermined manner to display contents of a second device user interface in response to the detection of the proximity of the second participating device within the first participating device's immediate environment. Support for these amendments can be found in the specifications at ¶¶ [0033] to [0034] and [0052]. The Anderson reference does not teach this limitation. The Anderson reference teaches displaying the Host PC's screen on the KEY-VIEW PC's screen by installing on the KEY-VIEW PC interface cards with the ability to capture the VGA/SVGA video output signal of a Host PC. See, the Anderson reference, ¶¶ [0020]. The content of the Host PC's screen is not displayed on the KEY-VIEW PC in response to detecting the proximity of the Host PC within the KEY-VIEW PC's immediate environment. In fact, although the Host PC and the KEY-VIEW PC may be located at the host site, the ability of the KEY-VIEW PC to capture the screen of the Host PC is based on the KEY-VIEW PC

interface card being installed in the KEY-VIEW PC and physically connected and configured to the Host PC. See, the *Anderson reference*, ¶¶ [0020], [0095] to [0112], [0477] to [0478], [0494], [0541] to [0543], and Figs. 17, 28, and 29. Therefore the KEY-VIEW PC's ability to capture and display the screen of the Host PC is based on the installation of the KEY-VIEW PC interface card, the physical connection to the Host PC, and configuration, it is not based on the detection of the proximity of the Host PC within the KEY-VIEW PC's immediate environment.

With regards to the arguments above, all elements of independent claims 1, 13, 25, and 29 are not taught from the combination of the Aholainen and the Anderson references. Therefore, it is respectfully submitted that the Aholainen and the Anderson references, whether taken alone or in combination, fail to teach or suggest the limitations of amended independent claims 1, 13, 25, and 29. Accordingly, withdrawal of the 35 U.S.C. 103(a) rejections of these claims is respectfully requested. As amended claims 1, 13, 25, and 29 are believed to be in condition for allowance and such favorable action is requested.

As claims 2-8, 10-11, 16-19, 22, and 30 depend directly or indirectly from independent claims 1, 13, 25, and 29, these claims are also believed to be in condition for allowance, at minimum, by virtue of their dependence from an allowable base claim as argued above. As such, the rejection of claims 2-8, 10-11, 16-19, 22, and 30 under 35 U.S.C. 103(a) as being obvious is improper for at least the reasons stated above with respect to independent claims 1, 13, 25, and 29 and Applicant respectfully requests that the Examiner's rejection of claims 2-8, 10-11, 16-19, 22, and 30 be reversed. Such favorable action is respectfully requested.

**CONCLUSION**

For at least the reasons stated above, claims 1-8, 10-11, 13, 15-19, 22, 25, 29 and 31 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [jdickman@shb.com](mailto:jdickman@shb.com) (such communication via email is herein expressly granted) – to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Account No. 19-2112.

Respectfully submitted,

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